

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DANIEL MACHUCA, MIGUEL PACHECO
and CRISTIAN ASITIMBAY,
on behalf of themselves, FLSA Collective
Plaintiffs and the Class,

ORDER

14 CV 3508 (CLP)

Plaintiffs,

- against -

VILLAGGIO CATERING CORP., L SANO
CORP., JOSEPH LOCCISANO, ROSE
LOCCISANO, AND DOMINICK
LOCCISANO,

Defendants.

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On June 4, 2014, plaintiffs Daniel Machuca, Miguel Pacheco and Cristian Asitimbay filed this action, pursuant to Sections 207 and 216(b) of the Fair Labor Standards Act (“FLSA”), Sections 198 and 663 of the New York Labor Law, and Title 12, Sections 142-2.2 and -2.4 of the New York Compilation of Codes, Rules and Regulations, seeking damages from defendants Villaggio Catering Corp., L Sano Corp., Joseph Loccisano, Rose Loccisano, and Dominick Loccisano, for unpaid minimum wages, overtime compensation and spread of hours compensation, as well as interest and attorney's fees.

On August 31, 2015, a telephone conference was held before the undersigned where the parties indicated that they were close to resolving the case. On September 1, 2015, the parties consented to proceed before the undersigned. Thereafter, on November 16, 2015, the parties indicated that they had reached a resolution of the action and requested that the undersigned endorse a joint stipulation of voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii).

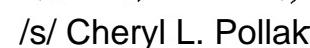
In light of the Second Circuit's recent clarification that judicial approval is required to

effectuate the settlement of a plaintiff's claims under the FLSA, see Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199, 200 (2d Cir. 2015), the Court must determine that the settlement is fair and reasonable under the circumstances. Accordingly, the parties are hereby Ordered to submit the settlement agreement, the application for the Court's approval, and any supporting documents explaining why the settlement is fair and reasonable, on or before **Friday December 18, 2015**. The parties are directed to appear for a fairness hearing on **Tuesday January 5, 2016 at 2:00 p.m.**

The Clerk is directed to send copies of this Order to the parties either electronically through the Electronic Case Filing (ECF) system or by mail.

SO ORDERED.

Dated: Brooklyn, New York
November 30, 2015


/s/ Cheryl L. Pollak


Cheryl L. Pollak
United States Magistrate Judge
Eastern District of New York